

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MEI-FANG LISA ZHANG, et al.,

Plaintiffs,

v.

WEI-MAN RAYMOND TSE, et al.,

Defendants.

No. C 07-04946 JSW

**ORDER GRANTING REPORT
AND RECOMMENDATION AND
OVERRULING OBJECTIONS**

Now before the Court for consideration is the Report and Recommendation ("Report") prepared by Magistrate Judge Elizabeth D. Laporte, in which Judge Laporte recommends that the Court grant Plaintiff Mei-Fan Lisa Zhang's ("Zhang") ex parte application for an order of sale of interest in a dwelling, subject to a homestead exemption in the amount of \$100,000.00.

Betty Ma ("Ma") an interested third party has objected, in part, to Judge Laporte's Report. Ma argues that she is entitled to a homestead exemption in the amount of \$ 175,000.00, Ma also objects to the fact that Judge Laporte did not recommend that the U.S. Marshall must not accept any bid for the purchase of the property that is not at least 90% or more of the fair market value as required in California Code of Civil Procedure § 704.800(b). Having considered the parties' papers, including Plaintiffs' response to Ma's objection and Ma's reply, the Report, relevant legal authority, and the record in this case, the Court finds the Report thorough and well reasoned and adopts it in every respect. Ma's objections are overruled.

Accordingly, it is HEREBY ORDERED that Plaintiff's Ex Parte Application for Issuance of Order for Sale of Interest in Dwelling (Docket No. 132) GRANTED.

1 It is FURTHER ORDERED that the real property and dwelling at 1945-1947 Kirkham
2 Street, San Francisco (the "Property"), more particularly described as:

3 Beginning at a point on the southerly line of Kirkham Street, distant
4 thereon 32 feet and 6 inches easterly from the easterly line of 24th Avenue;
5 running thence easterly along said line of Kirkham Street 25 feet; thence
6 at a right angle southerly 80 feet; thence at a right angle westerly 25 feet;
7 thence at a right angle northerly 80 feet to the point of beginning. Being a
8 portion of Outside Land Block No. 791.

9 is subject to a homestead exemption in the amount of \$100,000.00.

10 It is FURTHER ORDERED that Plaintiffs' motions to strike (Docket Nos. 151, 152 and
11 160) are DENIED AS MOOT.

12 It is FURTHER ORDERED that William T. Dunlap, III, affiliated with the firm of
13 Audino & Associates, 656 Clement Street, San Francisco, California is appointed to conduct an
14 appraisal of the Property. Mr. Dunlap shall submit his appraisal to the Court and to counsel of
15 record in this action.

16 It is FURTHER ORDERED that the United States Marshall Service shall:

- 17 (a) Offer for public sale the interest of Defendant Bill Shu Wai Ma and his spouse,
18 non-party Betty Wong Ma, in the Property; and
19 (b) Distribute the proceeds resulting from such sale first to Betty Wong Ma in the
20 amount of the approved homestead exemption and the balance thereof to the
21 Plaintiffs and/or other creditors and persons pursuant to California Code of Civil
22 Procedure 704.850.

23 **IT IS SO ORDERED.**

24 Dated: February 9, 2011

25 
26 JEFFREY S. WHITE
27 UNITED STATES DISTRICT JUDGE
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